

JOHN F. COOK  
MAYOR

JOYCE WILSON  
CITY MANAGER



CITY COUNCIL  
ANN MORGAN LILLY, DISTRICT 1  
SUSANNAH M. BYRD, DISTRICT 2  
J. ALEXANDRO LOZANO, DISTRICT 3  
MELINA CASTRO, DISTRICT 4  
PRESI ORTEGA, JR., DISTRICT 5  
EDDIE HOLGUIN JR., DISTRICT 6  
STEVE ORTEGA, DISTRICT 7  
BETO O'ROURKE, DISTRICT 8

REGULAR COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS  
November 8, 2005  
9:00 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 9:03 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Jose Alexandro Lozano, Melina Castro, Presi Ortega, Jr., Eddie Holguin, Jr., Steve Ortega and Beto O'Rourke. Absent: None. Late arrival: None. The invocation was given by Police and Fire Chaplain Sam Faraone, followed by the Pledge of Allegiance to the Flag of the United States of America.

**MAYOR'S PROCLAMATION**

1. **WORLD TOWN PLANNING DAY**
2. **DELTA BATTERY MARINE CORPS WEEK**

**RECOGNITION**

**"STAR OF THE MOUNTAIN" AWARD TO THE FAMILY OF JOHN R. SCHATZMAN IN MEMORY OF HIS CONTRIBUTIONS TO THE COMMUNITY**

**CALL TO THE PUBLIC – PUBLIC COMMENT**

**This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.**

A sign-up form is available on line at [https://www.elpasotexas.gov/city\\_clerk/contact\\_public.asp](https://www.elpasotexas.gov/city_clerk/contact_public.asp) for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 9:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

1. Ms. Theresa Caballero, citizen, commented on the settlement in the matter of Rita Rodriguez vs. City of El Paso.  
Mayor Cook, Representatives Lozano, Byrd, Steve Ortega, and Lilly commented.  
Ms Joyce Wilson, City Manager commented.  
Charlie McNabb, City Attorney, commented.  
Mr. Steve Blanco, outside counsel, commented.
2. Mr. Richard Fleager, citizen, commented on the benefits of signing up for ABC plan in anticipation of higher natural gas prices.  
Mayor Cook commented.
3. Ms Lisa Turner citizen, commented on Zoo price admissions for active military and veterans.

4. Mr. Richard Norman, citizen, commented on the rates for using the City landfills.  
Mayor Cook commented.  
Ms. Joyce Wilson, City Manager, commented.
5. Mr. Richard Schecter citizen, commented on the City's under-funded pension plans.

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 Motion made by Representative Lozano, seconded by Representative Presi Ortega, Jr. and unanimously carried to **RECESS** the City Council meeting for the Mass Transit Department Board Meeting at 9:56 a.m.  
 .....

Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Lilly and unanimously carried to **RECONVENE** the City Council meeting from the Mass Transit Department Board Meeting at 10:15 a.m.  
 .....

\*Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **APPROVE, AS REVISED**, all matters listed under the Consent Agenda unless otherwise noted. (Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {\*}).  
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\*Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Presi Ortega and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of November 1, 2002.  
 .....

**1<sup>st</sup> Motion**

\*Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **MOVE TO THE REGULAR AGENDA** the following:

**R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Cooperative Agreement by and between the City of El Paso and the County of El Paso regarding the El Paso City-County Health and Environmental District that amends and supercedes the Cooperative Agreement dated March 1, 2005, and amended on October 25, 2005.

Mr. Richard Schector, Citizen, commented.  
 Ms. Joyce Wilson, City Manager, commented.

**2<sup>nd</sup> and FINAL MOTION**

Motion made by Representative Lozano, seconded by Representative Lilly and unanimously carried to **APPROVE** the above Resolution.

**1<sup>st</sup> Motion**

\*Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **MOVE TO THE REGULAR AGENDA** the following:

**R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**WHEREAS**, the Health Facilities Development Act, Chapter 221, Texas Health and Safety Code, as amended (the "**Act**"), authorizes and empowers Reagan County Health Facilities Development Corporation (the "**Issuer**"), on behalf of Reagan County, Texas (the "**Issuing Unit**"), to finance health facilities found by the Board of Directors of the Issuer to be required, necessary or convenient for health care, research and education, any one or more, within the State of Texas and in furtherance of the public purposes of the Act;

**WHEREAS**, Section 221.030(a)(1) of the Act provides that the Issuer may provide for the financing and refinancing of one or more such health facilities located outside the limits of the Issuing Unit with the consent of every city, county and hospital district within which such health facility is or is to be located;

**WHEREAS**, the Issuer will finance certain health facilities (the "**Project**") through a loan from Wells Fargo Brokerage Services, L.L.C. in a maximum principal amount of Eight Hundred Thousand Dollars (\$800,000) for the benefit of Community Options, Inc. (the "**Obligor**");

**WHEREAS**, the Obligor is a non-profit 501(c)(3) charitable organization focusing on assisting people with disabilities achieve economic and social independence; and

**WHEREAS**, the Project will be located at the Obligor's facilities within the City of El Paso at 1420 Geronimo, Building D, and is located outside the limits of the Issuing Unit;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

Section 1. That the City of El Paso hereby consents to the financing by the Issuer of the Project as provided by Section 221.030(a)(1) of the Act and approves the financing in a maximum principal amount of Eight Hundred Thousand Dollars (\$800,000) as required by Section 147(f) of the Internal Revenue Code of 1986; provided that the City shall have no liability whatsoever in connection with the Project or its financing and shall not be required to take any further action with respect thereto.

Section 2. That this Resolution shall take effect immediately from and after its adoption and it is accordingly so ordered.

Mayor Cook and Representatives Lozano, Castro, and Steve Ortega and O'Rourke commented.

The following City staff members commented.

1. Mr. Charlie McNabb, City Attorney
2. Ms. Joyce Wilson, City Manager
3. Jorge Villegas, Assistant City Attorney

The following members of the public commented:

1. Mr. Richard Schechter, citizen, commented.
2. Mr. Mario Saenz, citizen, commented.
3. Ms. Lisa Turner

**2<sup>nd</sup> and FINAL MOTION**

Motion made by Representative Lozano, seconded by Representative Lilly and unanimously carried to **APPROVE** the above Resolution.

**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**WHEREAS**, the City of El Paso is interested in acquiring the identified property for the Zoo Western Expansion Project, a 2000 Quality of Life bond project, and

**WHEREAS**, the City of El Paso has had the identified property appraised by an **WHEREAS**, the State of Texas, through its Texas Department of Transportation ("TxDOT"), is the legal owner of 30,263 square feet of land more or less, out of and part of Lots 1-12, a 1.033 acre tract in Block 21, Woodlawn

Addition, El Paso, El Paso County, Texas; portions of Findley Street and San Antonio Street and a portion of Dudley Field (Washington Park); and

independent appraiser; and

**WHEREAS**, the El Paso District of TxDOT will recommend to the Texas Transportation Commission that the identified parcel property is no longer needed for the use of citizens for transportation purposes, should be declared surplus and sold to the City of El Paso at the appraised value of \$59,000.00,

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the City Manager be authorized to offer the State of Texas, through the Texas Department of Transportation, \$59,000.00 for 30,263 square feet of land, more or less, out of and part of Lots 1-12, a 1.033 acre tract in Block 21, Woodlawn Addition, El Paso, El Paso County, Texas; portions of Findley Street and San Antonio Street and a portion of Dudley Field (Washington Park), more particularly described as Parcel 1, in Exhibit "A", which is attached hereto and made a part hereof for all purposes, and that the City Manager be authorized to execute all documents to allow the City of El Paso to acquire the identified property for the Zoo Western Expansion Project.

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\*Motion made by Mayor Pro-Tempore O'Rourke, seconded by Representative Presi Ortega Jr. and unanimously carried to **APPROVE** the request for the following names to be placed on the Reinstatement list in accordance with Article VI, Section 6.10-10, of the Civil Service Charter Provisions:

Bustamante, Ricardo – Recreation Specialist  
Macias, Jose A. – Electronics Technician

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\*Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **RE-APPOINT** Daniel Delahaye to the Parks and Recreation Advisory Board by Representative Susie Byrd, District #2

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\*Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **APPOINT** Joe Rosales to the Revolving Loan Fund Board by Mayor John Cook.

Mayor Pro Tempore O'Rourke commented  
Lisa Turner, citizen, commented

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**\*1<sup>st</sup> MOTION**

Motion made by Mayor Pro Tempore O'Rourke and seconded by Representative Presi Ortega, Jr. and unanimously carried to **MOVE TO REGULAR AGENDA** Richard A. Porras to the City Plan Commission by Representative Eddie Holguin, Jr. District # 6.

Representative Presi Ortega, Jr., commented

Richard Schechter, Citizen, commented

**2<sup>nd</sup> and FINAL MOTION**

Motion made by Representative Holguin, seconded by Mayor Pro Tempore O'Rourke. and unanimously carried to **APPOINT** Richard A. Porras to the City Plan Commission by Representative Eddie Holguin, Jr. District # 6.

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\*Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **APPROVE** installation, power, and maintenance of residential street light(s) at the following location(s):

Between 3533 and 3537 Breckenridge at a cost of \$1,200.00 (**District 5**). (Account No. 504420, ID 01010005, Fund 01101).

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\*Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **AWARD** Best Value Procurement Solicitation No. 2005-277 Elevator Maintenance-Various City Building

Award to: American Elevator  
El Paso, TX  
Item(s): All  
Amount: \$27,060.00 (estimated yearly)  
  
Department: General Services  
Funds available: 31010326-01101-502206  
Funding source: Operating Account, City Wide Facility Maintenance  
Total award: \$81,180.00  
District (s): All

General Services and Financial Services, Purchasing Division, recommends award as indicated. American Elevator has provided the Best Value Criteria.

This is a thirty-six (36) month contract with the option to renew for two additional years. No Prompt Payment Discount offered.

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\*Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **AWARD** Bid Solicitation No. 2005-275 Doors, Frames & Accessories

Award to: Architectural Products Company, Inc.  
El Paso, Texas  
Item(s): #1 thru #22  
Amount: \$25,000.00 (estimated annually)  
  
Department: General Services  
Funds available: 31010326-503200-01101  
Funding source: Building Maintenance General Operating Funds  
Total award: \$75,000.00 (estimated)  
District (s): All

General Services and Financial Services-Purchasing Division recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Vendor offers the City the option to extend the term of the contract at the same unit prices for one (1) additional year if the option is exercised within one (1) year from the date of the award.

Vendor also offers the City a prompt payment discount of 1% ten days.

This is a Requirements Type Contract with an initial term of Thirty-Six (36) months.

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\*Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **AWARD** Bid Solicitation No. 2006-003 Elgin Sweeper Proprietary and Aftermarket Parts

Award to: Laclede Equipment, Inc.  
 Jackson Center, OH  
 Item(s): Part A & B  
 Amount: \$25,000.00 (estimated annually)

Department: General Services  
 Funds available: 37370510-503121-45202  
 Funding source: General Services Internal Service Fund  
 Total award: \$75,000.00 (estimated)  
 District (s): All

General Services and Financial Services- Purchasing Division recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

No options offered.

This is a Requirements Type Contract with an initial term of Thirty-Six (36) months.

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 \*Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to approve budget transfer BT2006-056 ENGINEERING

Engineering proposes to appropriate \$100,000 to Traffic Calming/Street Lights project in accordance with Council recommendations of September 20, 2005, regarding CIP reprogramming of existing capital fund balances. Funding source is 1999 COs and 2003 COs. **(All Districts)**

Decrease	\$89,134.20	from	31136001/P50154627136/504405	OperCntngncy
Increase	\$20,000.00	to	31136001/PST0600427136/508050	Design
Increase	\$69,134.20	to	31136001/PST0600427136/508027	Construction
Decrease	\$10,865.80	from	31260001/P81000260663/508027	Construction
Increase	\$10,865.80	to	31260001/PST0600460663/508027	Construction

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 \*Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **APPROVE** the request of Catholic Diocese of El Paso to hold a Pro-Life Procession on January 22, 2006 from 2:30 p.m. to 3:30 p.m. Route: Start at Houston Park – 900 Montana, proceed on East Yandell to North Campbell, turn right on North Campbell to Arizona, turn left on Arizona to North Mesa and finish at St Patrick Cathedral. Approximately 200 persons will take part. This request includes permission to use amplification (1 microphone and 2 speakers). PERMIT # 05-166 [Diana Bulko]

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 \* Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **APPROVE AS REVISED** the request of Parks & Recreation to hold a Holiday Light Parade on December 3, 2005 from 3:00 p.m. to 9:00 p.m. Route: Start at Mills and Campbell, proceed on Campbell to Main, turn left on Main to Oregon, turn left on Oregon to San Antonio, turn left on San Antonio to Campbell, turn left on Campbell and finish at Campbell and Texas. The parade will stage on Mills east of Campbell and Florence, Ochoa and Virginia. Approximately 400 persons, 50 vehicles, 15 animals will take part and 50,000 spectators are anticipated. This request includes permission to use amplification (3 microphones, 4 speakers and 2 amplifiers). PERMIT # 05-176 [Wayne Thornton]

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 \*Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **APPROVE** the request of Parks & Recreation to use amplification (2 microphones and 2 speakers) at San Jacinto Plaza – 111 Mills St on December 3, 2005 from 2:00 p.m. to 8:00 p.m. for a

Christmas Tree Lighting Ceremony. Approximately 500 persons will take part and 20,000 spectators are anticipated.

PERMIT # 05-174 [Dr. Norman Merrifield]

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\*Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **APPROVE** the request of Parks & Recreation to use amplification (2 microphones and 2 speakers) at San Jacinto Plaza – 111 Mills St on December 5 - 9, 2005; December 12 – 16, 2005 and December 19 - 20, 2005 from 5:00 p.m. to 6:30 p.m. for the 12 Days of Christmas Concerts. Approximately 200 persons will take part and 20,000 spectators are anticipated. PERMIT # 05-169, PERMIT # 05-170, PERMIT # 05-171, PERMIT # 05-172, PERMIT # 05-173, PERMIT # 05-175  
[Dr. Norman Merrifield]

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\*Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **APPROVE** the request of Open Arms Community of El Paso to hold a parade on November 12, 2005 from 9:00 a.m. to 10:00 a.m. Route: Start at La Feria parking lot at the corner of North Loop and Yarbrough, proceed on North Loop past Lomaland and finish at 8240 North Loop. Approximately 85 persons, 3 vehicles will take part and 100 spectators are anticipated. PERMIT # 05-178  
[Joanne Ivey]

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Motion made by Representative Lozano, seconded by Representative Byrd and unanimously carried that the following Ordinances, having been **INTRODUCED** pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

Representative Holguin was not present for the vote.

- A.** An Ordinance authorizing the City Manager to execute a Tax Reseal Quitclaim Deed for Tract 6-A, being a portion of Section 6, Block 79, Township 3, Texas and Pacific Railroad Surveys, being more particularly described in Volume 1338, Page 814, Deed Records of El Paso County, Texas. **(District 6)**  
[Tax Office, Juan Sandoval, (915) 541-4369]

**PUBLIC HEARING WILL BE HELD ON NOVEMBER 15, 2005 FOR ITEM A**

- B.** An Ordinance Amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.200 (Schedule XVII - Restrictions on Parking in Residential Districts), of The El Paso Municipal Code, to Add Zone L: No Parking Anytime on Identified Portions of Pacific Drive. The Penalty being as provided in Section 12.85.110 (Violation-Penalty) of The El Paso Municipal Code. **(District 8)**  
[Engineering Department, Traffic Division, Ted Marquez, 541-4035]

**PUBLIC HEARING WILL BE HELD ON NOVEMBER 22, 2005 FOR ITEM B**

- C.** An Ordinance amending Title 20 (Zoning) of the El Paso Municipal Code, by amending Section 20.08.090.B (Sale Of Alcoholic Beverages, Restrictions) in order to prohibit the sale of alcoholic beverages within three hundred feet of a public or private school, day-care center or child-care facility. The penalty is as provided in Chapter 20.68 of the City of El Paso Municipal Code.  
**(All Districts)**[Planning, Kimberly Forsyth, (915) 541-4631]

- D.** An Ordinance amending Ordinance No. 011446 which changed the zoning of a portion of Tract 3, section 4, Block 79, TSP 3, T&P Railway Co. Surveys, El Paso, El Paso County, Texas, and which imposed certain conditions, by deleting Condition Number 2, applicable to Parcels 1&2, thereof. The penalty is as provided for in Chapter 20.68 of The El Paso Municipal Code. Subject Property: 1800 Block of Joe Battle Blvd. Applicant: River Oaks Properties, Ltd. ZON05-00113 **(District 6)**  
[Planning, Christina Valles, (915) 541-4930]

**PUBLIC HEARING WILL BE HELD ON NOVEMBER 29, 2005 FOR ITEMS C–D**

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

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Item: Discussion and action to increase elderly and disabled tax exemption to \$45,000 effective 2009.

Representatives Byrd, Lozano, O'Rourke, Holguin, Presi Ortega, Jr. and Steve Ortega commented.

Mr. Charlie McNabb, City Attorney, commented.

The following members of the public commented:

1. Ms. Lisa Turner
2. Ms. Jetta Roberts
3. Mr. Stan Roberts
4. Mr. Richard Schecter
5. Mr. Michael Guerra

**1<sup>st</sup> MOTION:**

Motion made by Representative Castro, seconded by Representative Lozano to **SUSPEND THE RULES OF ORDER TO ALLOW AN ADDITIONAL TWO MINUTES** to Mr. Stan Roberts.

AYES: Representatives Lozano, Castro and Holguin  
NAYS : Representatives Lilly, Byrd, Presi Ortega, Jr., Steve Ortega and O'Rourke  
ABSENT: None

The Motion **FAILED**.

**2<sup>nd</sup> and FINAL MOTION:**

Motion made by Representative Presi Ortega, Jr., seconded by Representative Byrd and carried to **POSTPONE** discussion and action to increase elderly and disabled tax exemption to \$45,000 effective 2009 until the FY07 budget process.

AYES: Representatives Lilly, Byrd, Presi Ortega, Jr., Steve Ortega and O'Rourke  
NAYS : Representatives Lozano, Castro and Holguin  
ABSENT: None

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Item: Discussion and action to create a 4 member ad hoc committee comprised of El Paso City Representatives for border relations with Mexico.

Representatives Mayor Cook and Representatives Lozano, O'Rourke and Byrd commented.

**1<sup>st</sup> MOTION**

Motion made by Representative Lozano, seconded by Representative Holguin to **POSTPONE** item until the November 22, 2005 Regular City Council Meeting.

AYES: Representatives Lozano, Castro and Holguin  
NAYS : Representatives Lilly, Byrd, Presi Ortega, Jr., Steve Ortega and O'Rourke  
ABSENT: None

The Motion **FAILED**.



2<sup>nd</sup> and FINAL MOTION

Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Steve Ortega and carried to **DELETE** discussion and action to create a 4 member ad hoc committee comprised of El Paso City Representatives for border relations with Mexico.

AYES: Representatives Lilly, Byrd, Castro, Presi Ortega, Jr., Steve Ortega and O'Rourke  
NAYS : Representatives Lozano and Holguin ABSENT: None

\*Motion made by Mayor Pro Tempore O'Rourke seconded by Representative Presi Ortega to **MOVE TO THE FOREFRONT OF THE REGULAR AGENDA** the following:

Item: Discussion and action to conduct a study that evaluates the enhanced traffic safety of blinking yellow lights between the green and yellow standards.

NOTE: Item taken with an ordinance amending Title 12 (Vehicles and Traffic) adding Chapter 12.21 (Dangerous Intersection Monitoring System and Enforcement) of the El Paso Municipal Code to impose a Civil Penalty for Creating Dangerous Intersections adding provisions relating to Definitions; Civil Penalty; Enforcement and Procedures; Administrative Hearing; Affirmative Defenses; Orders of Hearing Officer; Appeal; and Effect of Liability.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

**WHEREAS**, on September 28, 2004, the City of El Paso (the "**City**") adopted the City's investment policy;

**WHEREAS**, pursuant to Section 2256 of the Texas Government Code, the City is required to review its investment policy on an annual basis; and

**WHEREAS**, the City has reviewed its investment policy and as a result of such review now desires to amend and restate the City's investment policy.

**NOW, THEREFORE, BE IT RESOLVED:**

That the City hereby adopts the amended and restated City of El Paso Investment Policy.

Ms. Carmen Arrieta Candelaria, Comptroller of Financial Services gave a Power Point presentation. (presentation file in the City Clerks)

Motion made by Representative Steve Ortega, seconded by Representative Byrd and unanimously carried to **APPROVE** the above Resolution.

Motion made by Representative Lozano, seconded by Representative Steve Ortega and unanimously carried to **DELETE** discussion and action on a Resolution that the Deputy Director for Financial Service be authorized to terminate for default Contract No. 2004-196-C1 entitled Tires & Roadside Service pursuant to the provisions and requirements of Section C, 18B of the Contract Clauses, and to notify Redburn Tire Company that the City is terminating the contract. The termination shall be effective as of November 8, 2005.

Motion made by Representative Lilly, seconded by Representative Byrd and unanimously carried to **AWARD** Bid Solicitation No. 2005-269 Ruby Coates Park Development

Contractor: Blair-Hall Co., Inc.  
 El Paso, TX  
 Department: Parks & Recreation  
 Funds Available: 711560069-G7130CD0013-07837-508027  
 Funding Source: Community Development HUD Grant B-05-MC-48-0013  
 Items: Base Bid \$920,236.00  
 0 Alternate #5 \$ 17,140.00  
 Total Award: \$937,376.00  
 Estimated Completion Date: April 2006  
 District(s): 1

The Departments of Engineering and Parks & Recreation recommend the award of this contract to Blair-Hall Co., Inc., the low responsible, responsive bidder. It is requested that the City Manager of the City of El Paso be authorized to sign the referenced contract.

Work under the unit price component is only an estimated value and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

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 Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Byrd and unanimously carried to **AWARD** Bid Solicitation No.:2005-273 San Antonio Street & Drainage Improvements Phase II

Location: Tays Street to Cotton Street  
 Contractor: J & J General Contracting, Inc.  
 El Paso, TX  
 Department: Streets  
 Funds Available: 71150069-G7130CD0028-07841-508027 (Base Bid I)  
 71150069-G7130PS0028-11082-508027  
 (Base Bid II & III)  
 Funding Source: Community Development HUD Grant B-05-MC-48-0028  
 Items: Base Bid I \$743,874.33  
 Base Bid II \$115,641.40  
 Base Bid III \$ 19,254.86  
 Total Award: \$878,770.59 (Estimate)  
 Estimated Completion Date: May 2006  
 District(s): 8

The Departments of Engineering and Streets recommend the award of this contract to J & J General Contracting Inc., the lowest responsible, responsive bidder. It is requested that the City Manager of the City of El Paso be authorized to sign the referenced contract.

Work under the unit price component is only an estimated value and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

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 Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **AWARD** Bid Solicitation No: 2005-274 Sixth Ave. Street & Drainage Improvements

Location: Sixth Ave, (Between Virginia and Tays Streets)  
 Contractor: C.F. Jordan, L.P.  
 Paso, Texas

Department: Street Department  
 Funds Available: 71150069-G7130CD0026-07808-07842-508021-508027  
 Funding Source: 71150069-G7131PS0016-11085-508027  
 Community Development (B03-MC-48-1500- 0026)  
 Items: Base Bid I \$ 691,974.00  
 Base Bid II \$ 41,710.00  
 Alternate 1 \$ 23,370.00  
 Total Award: \$ 757,054.00  
 Estimated Completion Date: March, 2006  
 Districts: 8

**RECOMMENDATION:**

The Departments of Engineering and Streets recommend the award of this contract to C.F. Jordan, L.P., the lowest responsive, responsible bidder. It is requested that the City Manager of the City of El Paso be authorized to sign the referenced contract.

Work under the unit price component is only an estimated value or not to exceed amount and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

Item:

Discussion and Action regarding the appeal of C. Ferris Karam of JEK Holdings, LLC at 9109 Dyer, Suite Z2, for the sale of alcoholic beverages due to the business's proximity to a day care in accordance with Section 20.08.090 (B) 4 of the El Paso Municipal Code.

Representative Castro commented.

Mr. Alan Shubert, Director of Development Services, commented.

Mr. C. Ferris Karam, citizen, commented.

Motion made by Representative Castro, seconded by Representative Byrd and unanimously carried to **APPROVE** with a number of findings read into record by Mr. Alan Shubert Discussion and Action regarding the appeal of C. Ferris Karam of JEK Holdings, LLC at 9109 Dyer, Suite Z2, for the sale of alcoholic beverages due to the business's proximity to a day care in accordance with Section 20.08.090 (B) 4 of the El Paso Municipal Code. [Development Services, R. Alan Shubert, (915) 541-4557]

**1<sup>st</sup> Motion**

Motion made by Representative Castro, seconded by Representative Byrd and carried unanimously carried to **APPROVE** with a finding of the following provisions:

- a. Not in best interest of the public.
- b. Constitutes waste or inefficient use of land or other resources.
- c. Creates undo hardship on the applicant.
- d. Does not service its intended purpose.
- e. Is not effective or necessary.
- f. For any other reason Council considers after the consideration of Health, Safety, or Welfare.

**ORDINANCE 16202**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES) SECTION 12.88.030 (SCHEDULE III - PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS) TO ADD A NEW LOCATION ON CASTNER DRIVE, BOTH SIDES, BETWEEN LEE TREVINO DRIVE AND KESSLER DRIVE. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO MUNICIPAL CODE.**

Representative Presi Ortega, Jr., commented  
Mr. Rick Conner, City Engineer, commented

Motion duly made by Representative Steve Ortega, seconded by Mayor Pro Tempore O'Rourke, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, Steve Ortega and O'Rourke  
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

.....  
**RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

THAT the City Manager be authorized to sign an Amendment to Contract between the City of El Paso and Government Employees Credit Union of El Paso amending the Contract dated April 12, 1973, to delete a portion of a condition for the property described as a portion of Lots 28, 29, and 30, and all of Lots 31, 32, 32, 33, 34 and 35, Block 1, International Industrial Center #1, in the City of El Paso, El Paso County, Texas.

Motion made by Representative Lozano, seconded by Representative Byrd and unanimously carried to **APPROVE** the above Resolution.

.....  
**RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the El Paso City Council hereby authorizes the City Manager to take any and all action necessary to change the name of Baltimore Drive, between Mesa Street and Oregon Street, located within the City of El Paso, El Paso County, Texas, to Glory Road.

Motion made by Representative Lilly, seconded by Representative Steve Ortega and unanimously carried to **APPROVE** the above Resolution.

.....  
\*Motion made by Mayor Pro Tempore O'Rourke, seconded by Presi Ortega, Jr. and unanimously carried to **POSTPONE** one (1) week an Ordinance changing the zoning of a portion of 75 feet by 150 feet out of Tract 52, Sunrise Acres No. 2, El Paso, El Paso County, Texas from C-1 (Commercial) to C-3 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 4944 Hercules. Applicant: Osvaldo Gutierrez Romo. ZON05-00033 (**District 4**)  
.....

## ORDINANCE 16203

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC) ADDING CHAPTER 12.21 (DANGEROUS INTERSECTION MONITORING SYSTEM AND ENFORCEMENT) OF THE EL PASO MUNICIPAL CODE TO IMPOSE A CIVIL PENALTY FOR CREATING DANGEROUS INTERSECTIONS ADDING PROVISIONS RELATING TO DEFINITIONS; CIVIL PENALTY; ENFORCEMENT AND PROCEDURES; ADMINISTRATIVE HEARING; AFFIRMATIVE DEFENSES; ORDERS OF HEARING OFFICER; APPEAL; AND EFFECT OF LIABILITY.**

Mayor Cook and Representatives Holguin, Castro, Byrd, Steve Ortega, Lozano, and Presi Ortega, Jr., commented.

The following City Staff members commented:

1. Mr. Richard Wiles, Chief of Police
2. Mr. Ted Marquez, Traffic Engineer
3. Ms. Joyce Wilson, City Manager
4. Ernie Rodriguez, City Attorney

The following citizens commented:

Lisa Turner, Dan Salazar, Larry Wilder, Richard Norman, Ali Boureslan, Bill Mischen, Richard Schecter, Ray Gilbert, Richard Dayoub, Jerry Theat, Richard Cobb, Sal Gomez, Barbara Macias and Charles Hinton

### **1<sup>st</sup> MOTION**

\*Motion made by Mayor Pro Tempore O'Rourke seconded by Representative Presi Ortega to **MOVE TO THE FOREFRONT OF THE REGULAR AGENDA** the above ordinance.

### **2<sup>nd</sup> MOTION**

Motion made by Representative Steve Ortega, seconded by Representative Presi Ortega, Jr. and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow Mr. Richard Cobb to speak.

### **3<sup>rd</sup> MOTION**

Motion made by Representative Holguin, seconded by Representative Steve Ortega and unanimously carried to **SUSPEND RULES OF ORDER** to allow Ms. Lisa Turner an additional 2 minutes to speak.

### **4<sup>TH</sup> MOTION**

Motion made by Representative Castro, seconded by Representative Lozano and carried to **SUSPEND THE RULES OF ORDER** to allow Mr. Larry Wilder an additional 2 minutes to speak.

AYES: Representatives Lilly, Byrd, Lozano, Castro and Holguin  
NAYS : Presi Ortega, Jr., Steve Ortega and O'Rourke      ABSENT: None

### **5<sup>th</sup> MOTION**

Motion made by Representative Presi Ortega, Jr., and seconded by Representative Steve Ortega and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow Mr. Ali Boureslan and additional 2 minutes to speak.

### **6<sup>th</sup> MOTION**

Motion made by Representative Presi Ortega, Jr., and seconded by Representative Steve Ortega and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow Ms. Barbara Macias an additional 2 minutes to speak.

7<sup>th</sup> MOTION

Motion duly made by Representative Steve Ortega, seconded by Mayor Pro Tempore O'Rourke, that the Ordinance be **ADOPTED** as amended with a sunset provision for twelve (12) months after cameras are installed and in operation. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Presi Ortega, Jr., Holguin, Steve Ortega and O'Rourke  
NAYS: Representatives Lozano, Castro and Holguin

8<sup>th</sup> MOTION

Motion made by Representatiave Lozano, seconded by Representative Holguin to direct all revenues from this ordinance into the Streets Department budget to repair the streets after the 12 month initial period.

The Motion **FAILED**.

AYES: Representatives Lozano, Castro and Holguin  
NAYS : Lilly, Byrd, Presi Ortega, Jr., Steve Ortega and O'Rourke

9<sup>th</sup> and FINAL MOTION

Motion made by Representative Steve Ortega, seconded by Representative O'Rourke and carried to direct all revenues from this ordinance into a special revenue fund, the use of which to be determined by Council during the budget process.

AYES: Representatives Lilly, Byrd, Presi Ortega, Jr., Steve Ortega and O'Rourke  
NAYS: Representatives Lozano, Castro and Holguin

.....  
Motion made by Representative Steve Ortega, seconded by Mayor Pro Tempore O'Rourke and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 12:16 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following:

- Section 551.071 CONSULTATION WITH ATTORNEY
- Section 551.072 DELIBERATION REGARDING REAL PROPERTY
- Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
- Section 551.074 PERSONNEL MATTERS
- Section 551.076 DELIBERATION REGARDING SECURITY DEVICES
- Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

- A. *Chris Jennings v. The City of El Paso, et al*; Cause No. EP-03-CA-0286 in the United States District Court for the Western District of Texas (551.071)
- B. *George DeAngelis vs. City of El Paso, et al*; Cause No. EP-05-CA-0113-DB in the United States District Court for the Western District of Texas (551.071)

Motion made by Representative Byrd, seconded by Representative Lilly and unanimously carried to **ADJOURN** the Executive Session at 12:32 p.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

.....  
Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Byrd and carried that the City Attorney be authorized settlement authority in the matter entitled *Chris Jennings v. The City of El Paso, et al.*, No. EP-03-CA-0286, as recommended by the City Attorney, and that the City Manager and/or City Attorney be authorized to execute any appropriate documents to effectuate that authority.

AYES: Representatives Lilly, Byrd, Lozano, Castro, Holguin., Steve Ortega and O'Rourke  
ABSTAIN: Representative Presi Ortega, Jr.

.....  
Motion made by Representative Lozano, seconded by Representative Holguin to **POSTPONE FOR TWO (2) WEEKS** discussion and action on the claim of Bill Bowden (SWM/L0066) (551.071)

Representatives Castro, Presi Ortega, Jr. and Lozano commented.

Laura Gordon, Deputy City Attorney, commented.

Mr. Bill Bowden, citizen, commented.

.....  
**NO ACTION WAS TAKEN REGARDING** *George DeAngelis vs. City of El Paso, et al*; Cause No. EP-05-CA-0113-DB in the United States District Court for the Western District of Texas (551.071).

Motion made by Representative Presi Ortega, seconded by Representative Lozano and unanimously carried to adjourn this meeting at 2:03 p.m.

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APPROVED AS TO CONTENT:

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Richarda Duffy Momsen, City Clerk